

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

MARK T. EDDINGSTON, JEFFERY M. §
DAVIS, ELRIDGE NICHOLAS BOLLICH, §
and RAY A. COX, §

Plaintiffs, §

v. §

UBS FINANCIAL SERVICES INC., §

Defendant. §

Civil Action No. 2:12-CV-00422

NOTICE OF APPEAL

Notice is hereby given that UBS Financial Services Inc., defendant in the above-captioned case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Order denying UBSFS's Motion to Stay Proceedings Pending Reconsideration and, If Necessary, Appeal, entered in this action on May 28, 2013 (Dkt. 119). UBSFS is also appealing the related Order in *Hendricks v. UBS Financial Services Inc.*, No. 2:12-CV-00606 (E.D. Tex.). The Fifth Circuit has jurisdiction for this interlocutory appeal under 9 U.S.C. § 16(a). *See also Todd v. Steamship Mut. Underwriting Ass'n (Bermuda) Ltd.*, 601 F.3d 329, 331 (5th Cir. 2010).

Dated: June 24, 2013

Respectfully submitted,

/s/ Michael C. Smith

Michael C. Smith
(michaelsmith@siebman.com)
SIEBMAN, BURG, PHILLIPS & SMITH LLP
113 East Austin Street
Marshall, TX 75670
T. 903. 938.8900, F. 972.767.4620

William J. Kilberg (*pro hac vice*)
(wkilberg@gibsondunn.com)
Eugene Scalia (*pro hac vice*)
(escalia@gibsondunn.com)
Paul Blankenstein (*pro hac vice*)
(pblankenstein@gibsondunn.com)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
T. 202.955.8693, F. 202.530.9532

Attorneys for Defendant UBS Financial Services Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on June 24, 2013, I caused to be served on all counsel of record the foregoing Notice of Appeal using the CM/ECF system pursuant to Local Rule CV-5(a)(7)(C).

/s/ Michael C. Smith